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SENATE BILL 153

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

John Arthur Smith

AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY
STATE AGENCIES REQUIRED BY LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"General Appropriation Act of 2008".

Section 2. DEFINITIONS.--As used in the General
Appropriation Act of 2008:

A. "agency" means an office, department, agency,
institution, board, bureau, commission, court, district
attorney, council or committee of state government;

B. "federal funds" means any payments by the United
States government to state government or agencies except those
payments made in accordance with the federal Mineral Lands
Leasing Act;

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1 C. "general fund" means that fund created by
2 Section 6-4-2 NMSA 1978 and includes federal Mineral Lands
3 Leasing Act receipts and those payments made in accordance with
4 federal block grants and the federal Workforce Investment Act,
5 but excludes the general fund operating reserve, the
6 appropriation contingency fund, the tax stabilization reserve
7 and any other fund, reserve or account from which general
8 appropriations are restricted by law;

9 D. "interagency transfers" means revenue, other
10 than internal service funds, legally transferred from one
11 agency to another;

12 E. "internal service funds" means:

13 (1) revenue transferred to an agency for the
14 financing of goods or services to another agency on a
15 cost-reimbursement basis; and

16 (2) unreserved undesignated fund balances in
17 agency internal service fund accounts appropriated by the
18 General Appropriation Act of 2008;

19 F. "other state funds" means:

20 (1) unreserved undesignated balances in agency
21 accounts, other than in internal service fund accounts,
22 appropriated by the General Appropriation Act of 2008;

23 (2) all revenue available to agencies from
24 sources other than the general fund, internal service funds,
25 interagency transfers and federal funds; and

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1 (3) all revenue, the use of which is
2 restricted by statute or agreement; and

3 G. "revenue" means all money received by an agency
4 from sources external to that agency, net of refunds and other
5 correcting transactions, other than from issue of debt,
6 liquidation of investments or as agent or trustee for other
7 governmental entities or private persons.

8 Section 3. GENERAL PROVISIONS.--

9 A. For fiscal year 2009, appropriations are made as
10 set out in Section 4 of the General Appropriation Act of 2008
11 from the general fund, internal service funds and interagency
12 transfers or other state funds as indicated to state agencies
13 named or for the purposes expressed, or so much thereof as may
14 be necessary, within available revenue and unreserved
15 undesignated fund balances.

16 B. Unreserved undesignated fund balances in agency
17 accounts remaining at the end of fiscal year 2009 shall revert
18 to the general fund by September 30, 2009, unless otherwise
19 indicated in the General Appropriation Act of 2008 or otherwise
20 provided by law.

21 C. The state budget division of the department of
22 finance and administration shall monitor revenue received by
23 agencies from sources other than the general fund and shall
24 reduce the operating budget of any agency whose revenue from
25 such sources is not meeting projections.

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1 D. Except as otherwise specifically stated in the
2 General Appropriation Act of 2008, appropriations are made in
3 that act for the expenditures of agencies and for other
4 purposes as required by existing law for fiscal year 2009. If
5 any other act of the second session of the forty-eighth
6 legislature changes existing law with regard to the name or
7 responsibilities of an agency or the name or purpose of a fund
8 or distribution, the appropriation made in the General
9 Appropriation Act of 2008 shall be transferred from the agency,
10 fund or distribution to which an appropriation has been made as
11 required by existing law to the appropriate agency, fund or
12 distribution provided by the new law.

13 E. Pursuant to Sections 6-3-23 through 6-3-25 NMSA
14 1978, the state budget division of the department of finance
15 and administration may approve increases in budgets for state
16 agencies whose revenues from other state funds, internal
17 service funds and interagency transfers exceed amounts
18 specified in the General Appropriation Act of 2008. If
19 approved by the state budget division, such increases in other
20 state funds, internal service funds and interagency transfers
21 are hereby appropriated.

22 F. For the purpose of administering the General
23 Appropriation Act of 2008, the state of New Mexico shall follow
24 the modified accrual basis of accounting for governmental funds
25 in accordance with the manual of model accounting practices

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1 issued by the department of finance and administration.

2 G. When approving budgets based on appropriations
3 in the General Appropriation Act of 2008, the state budget
4 division of the department of finance and administration is
5 specifically authorized to approve budgets in accordance with
6 generally accepted accounting principles and the authority to
7 extend the availability period of an appropriation through the
8 use of an encumbrance shall follow the modified accrual basis
9 of accounting for governmental funds in accordance with the
10 manual of model accounting practices issued by the department
11 of finance and administration.

12 H. Laws 2007, Chapter 28, Section 4 is repealed
13 effective July 1, 2008.

14 Section 4. FISCAL YEAR 2008 APPROPRIATIONS.--

15 A. LEGISLATIVE.--Eighteen million eight hundred
16 eight thousand six hundred dollars (\$18,808,600) is
17 appropriated from the general fund to the legislative council
18 service for allocation to legislative agencies in fiscal year
19 2009.

20 B. JUDICIAL.--Two hundred eleven million four
21 hundred forty-one thousand one hundred dollars (\$211,441,100)
22 from the general fund, sixteen million one hundred sixty-three
23 thousand four hundred dollars (\$16,163,400) from other state
24 funds, eight million three hundred thousand six hundred dollars
25 (\$8,300,600) from internal service funds/interagency transfers

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1 and two million six hundred ninety-six thousand nine hundred
2 dollars (\$2,696,900) from federal funds is appropriated to the
3 administrative office of the courts for allocation to judicial
4 agencies in fiscal year 2009.

5 C. GENERAL CONTROL.--Two hundred three million
6 sixty-six thousand seven hundred dollars (\$203,066,700) from
7 the general fund, one billion two hundred twenty-nine million
8 nine hundred ninety-three thousand two hundred dollars
9 (\$1,229,993,200) from other state funds, fifty-one million one
10 hundred thirty-five thousand eight hundred dollars
11 (\$51,135,800) from internal service funds/interagency transfers
12 and seventeen million eight hundred seventy-eight thousand one
13 hundred dollars (\$17,878,100) from federal funds is
14 appropriated to the department of finance and administration
15 for allocation to general control agencies in fiscal year 2009.

16 D. COMMERCE AND INDUSTRY.--Fifty-nine million seven
17 hundred thirty-six thousand seven hundred dollars (\$59,736,700)
18 from the general fund, forty-seven million nine hundred
19 fifty-nine thousand nine hundred dollars (\$47,959,900) from
20 other state funds, fourteen million seven hundred five thousand
21 one hundred dollars (\$14,705,100) from internal service
22 funds/interagency transfers and seven hundred five thousand
23 seven hundred dollars (\$705,700) from federal funds is
24 appropriated to the department of finance and administration
25 for allocation to commerce and industry agencies in fiscal year

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1 2009.

2 E. AGRICULTURE, ENERGY AND NATURAL

3 RESOURCES.--Eighty-eight million eight hundred forty-five
4 thousand two hundred dollars (\$88,845,200) from the general
5 fund, seventy-five million six hundred seventy-five thousand
6 six hundred dollars (\$75,675,600) from other state funds,
7 sixteen million nine hundred fifty-one thousand eight hundred
8 dollars (\$16,951,800) from internal service funds/interagency
9 transfers and thirty-four million six hundred seventeen
10 thousand nine hundred dollars (\$34,617,900) from federal funds
11 is appropriated to the department of finance and administration
12 for allocation to agriculture, energy and natural resource
13 agencies in fiscal year 2009.

14 F. HEALTH, HOSPITALS AND HUMAN SERVICES.--One

15 billion five hundred thirty-six million five hundred thirteen
16 thousand eight hundred dollars (\$1,536,513,800) from the
17 general fund, two hundred thirty-eight million six hundred
18 fifty-eight thousand three hundred dollars (\$238,658,300) from
19 other state funds, three hundred eleven million seven hundred
20 seventy-one thousand four hundred dollars (\$311,771,400) from
21 internal service funds/interagency transfers and three billion
22 four hundred nineteen million one hundred eighty-four thousand
23 four hundred dollars (\$3,419,184,400) from federal funds is
24 appropriated to the department of finance and administration
25 for allocation to health, hospitals and human services agencies

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1 in fiscal year 2009.

2 G. PUBLIC SAFETY.--Four hundred ten million four
3 hundred twenty-one thousand three hundred dollars
4 (\$410,421,300) from the general fund, twenty-eight million four
5 hundred four thousand nine hundred dollars (\$28,404,900) from
6 other state funds, eight million seven hundred forty-four
7 thousand eight hundred dollars (\$8,744,800) from internal
8 service funds/interagency transfers and sixty million two
9 hundred ninety-five thousand four hundred dollars (\$60,295,400)
10 from federal funds is appropriated to the department of finance
11 and administration for allocation to public safety agencies in
12 fiscal year 2009.

13 H. TRANSPORTATION.--Four hundred forty-eight
14 million six thousand eight hundred dollars (\$448,006,800) from
15 other state funds and three hundred fifty-eight million six
16 hundred eighty-one thousand eight hundred dollars
17 (\$358,681,800) from federal funds is appropriated to the
18 department of finance and administration for allocation to
19 transportation agencies in fiscal year 2009.

20 I. OTHER EDUCATION.--Sixty-three million two
21 hundred eighty-one thousand one hundred dollars (\$63,281,100)
22 from the general fund, seventeen million six hundred
23 thirty-four thousand five hundred dollars (\$17,634,500) from
24 other state funds and fifty million three hundred seventy-four
25 thousand four hundred dollars (\$50,374,400) from federal funds

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1 is appropriated to the department of finance and administration
2 for allocation to other education agencies in fiscal year 2009.

3 J. HIGHER EDUCATION.--Eight hundred eighty-three
4 million eight hundred twenty-five thousand two hundred dollars
5 (\$883,825,200) from the general fund, one billion two hundred
6 sixty-one million five hundred fourteen thousand six hundred
7 dollars (\$1,261,514,600) from other state funds, thirty-nine
8 million twenty-one thousand three hundred dollars (\$39,021,300)
9 from internal service funds/interagency transfers and five
10 hundred forty-five million one hundred seventy-three thousand
11 nine hundred dollars (\$545,173,900) from federal funds is
12 appropriated to the higher education department for expenditure
13 or allocation to higher education agencies in fiscal year 2009.

14 K. PUBLIC SCHOOL SUPPORT.--Two billion five hundred
15 sixty-one million two hundred ninety-seven thousand nine
16 hundred dollars (\$2,561,297,900) from the general fund, seven
17 hundred fifty thousand dollars (\$750,000) from other funds and
18 four hundred thirty-eight million three hundred eighty-seven
19 thousand dollars (\$438,387,000) from federal funds is
20 appropriated to the public education department for expenditure
21 or allocation to public school districts in fiscal year 2009.

22 Section 5. TRANSFER AUTHORITY.--If revenue and transfers
23 to the general fund as of the end of fiscal year 2008 are not
24 sufficient to meet appropriations, the governor, with the state
25 board of finance approval, may transfer at the end of that year

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1 the amount necessary to meet the year's obligations from the
2 unexpended balance remaining in the general fund operating
3 reserve in a total not to exceed one hundred million dollars
4 (\$100,000,000).

5 Section 6. SEVERABILITY.--If any part or application of
6 this act is held invalid, the remainder or its application to
7 other situations or persons shall not be affected.